

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

DONALD J. DUCHARME,

Plaintiff and Appellant,

v.

JR CAPITAL GROUP LLC, et al.,

Defendants and Respondents.

G040092

(Super. Ct. No. 07CC11568)

O P I N I O N

Appeal from orders of the Superior Court of Orange County, James P. Gray, Judge. Motion for Production of Additional Evidence on Appeal and Request for Judicial Notice. Motion denied. Appeal dismissed.

Donald J. Ducharme, in pro. per., for Plaintiff and Appellant.

Dowdall Law Offices and Robin G. Eifler for Defendants and Respondents.

*

*

*

Plaintiff Donald J. Ducharme filed this appeal after the court denied his motion to vacate the settlement of his action against defendants JR Capital Group, LLC, and JR Enterprises, L.P. After the case was dismissed and judgment was entered based on the settlement, plaintiff filed an appeal from that judgment. We decide that appeal in a companion case, *Ducharme v. JR Capital Group, LLC*, Case No. G040945. In that opinion we set out the relevant details of the case and uphold the settlement. The decision in that case renders this appeal moot because the exact same issue as to the validity of settlement is before us. This appeal is therefore dismissed.

Defendants filed a motion seeking to produce additional evidence and requesting us to take judicial notice of documents detailing events in the case occurring after filing of the notice of appeal. We deny this motion as moot based on dismissal of the appeal.

Respondents are entitled to costs on appeal.

RYLAARSDAM, ACTING P. J.

WE CONCUR:

ARONSON, J.

FYBEL, J.